

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:12-cv-00261-MOC-DSC**

MARK GREVERA,)
)
 Plaintiff,)
)
 vs.)
)
 MICROSOFT CORPORATION,)
)
 Defendant.)

MEMORANDUM AND ORDER

THIS MATTER is before the Court on “Defendant’s Motion for Protective Order and for Sanctions,” Doc. 56, filed June 26, 2013 and its supporting brief, Doc. 57. This Motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b)(1).

On July 25, 2013, the date Plaintiff’s Response was due, the Court received a proposed Supplemental Protective Order through ECF with the following message: “Dear Judge Cayer: The parties have resolved the issues in Defendant’s Motion for Protective Order and For Sanctions (Dkt. Entries 56 & 57). Attached please find a proposed order for your review and consideration. Thank you, Meredith [Pinson, counsel for Defendant].” After chambers staff spoke with Ms. Pinson, it was determined that Defendant was still seeking sanctions for violation of the Court’s September 11, 2012 Consent Protective Order, Doc. 23. The Court entered the “Supplemental Consent Protective Order,” Doc. 68, on July 26, 2013.

Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, the District Court has broad discretion to protect parties during discovery and to fashion and enforce its orders governing discovery. See McDougal-Wilson v. Goodyear Tire & Rubber Co., 232 F.R.D. 246, 249 (E.D.N.C. 2005)(noting that the court has the discretion to protect the parties during

discovery). Attorneys' fees may be awarded to a party who prevails on a motion for protective order. See Fed. R. Civ. P. 26(c)(3) and 37(a)(5). The Court finds that Plaintiff has violated the terms of the Court's September 11, 2012 Consent Protective Order by disseminating "Highly Confidential" material. Therefore, the Court orders Plaintiff to pay reasonable attorneys' fees incurred by Defendant in filing this Motion.

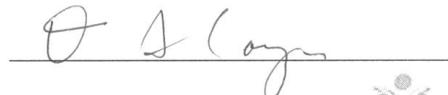
Defendant shall submit an affidavit detailing the attorneys' fees incurred in the filing of this Motion within seven (7) calendar days of the date of this Order. After the affidavit is filed, the Court will issue an order granting reasonable attorneys' fees.

IT IS HEREBY ORDERED that:

1. "Defendant's Motion for Protective Order and for Sanctions," Doc. 56, is GRANTED.
2. The Clerk is directed to send copies of this Order to counsel for the parties, including but not limited to moving counsel; and to the Honorable Max O. Cogburn, Jr.

SO ORDERED.

Signed: July 29, 2013



David S. Cayer
United States Magistrate Judge
